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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Division of Ecological Services

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March 31, 2011

Memorandum

To: Mr. Stephen Tryon, Field Manager, Bureau of Land Management, Oklahoma Field Office

From: *Acting* Dixie Bounds, Ph.D., Field Supervisor *Kenneth D. Fray*

Subject: Review of the Vinita Wild Horse Grassland Pasture Facility Project, Craig County, for appendage with the April 1, 2010, Wild Horse Long Term Holding Facility Programmatic Biological Opinion

This is in response to the Bureau of Land Management's (BLM) March 17, 2011, memorandum requesting the U.S. Fish and Wildlife Service (Service) to append the Vinita Wild Horse Grassland Pasture Facility (WHGPF) in Craig County to the April 1, 2010, Wild Horse Long Term Holding Facility Programmatic Biological Opinion (WHLTHF-PBO). The proposed action is to pasture and care for 200 head of wild horses on 1,493 acres of non-federal land near Vinita, Oklahoma. The BLM has determined that the proposed project is consistent with the WHLTHF-PBO and reasonable and prudent measures and associated terms and conditions.

The Service has reviewed the biological information submitted by your office describing the effects of the proposed project on the endangered American burying beetle (ABB). This memorandum is submitted in accordance with section 7 of the Endangered Species Act (ESA), National Environmental Protection Act (NEPA), and the Migratory Bird Treaty Act (MBTA).

The findings and recommendations in this consultation are based on: (1) WHLTHF-PBO; (2) Vinita Draft EA for the Vinita WHGPF (EA, NM-040-2011-003); (3) meetings between the Service and BLM, (4) telephone conversations between the Service and BLM; and (5) information in our files. A complete administrative record is on file at the Service's Oklahoma Ecological Services Field Office.

The Service has determined that it is appropriate to append this project to the Service's April 1, 2010, WHLTHF-PBO and associated incidental take statement. The Service concurs with BLM that the WHLTHF-PBO, together with the appended documentation, fulfills the consultation requirements for implementation of the Vinita WHGPF.

The Service is tracking losses of habitat permitted under the Programmatic Consultation, and conservation measures minimizing losses, within the geographic area covered in the WHLTHF-PBO. The WHLTHF-PBO estimates the amount of anticipated temporary incidental take will not exceed 200,000 acres over a 10-year period. To date, including the Vinita WHGPF, 145,584 acres of temporary incidental take has potentially occurred. Approximately, 52,900 acres remain until reinitiation of consultation is required.

The Service does not have any comments regarding EA for the Vinita WHGPF.

Please contact Hayley Dikeman of my staff at (918)382-4519 if you have questions regarding this response.

cc: Oklahoma Department of Wildlife Conservation, Wildlife Division, Oklahoma City, OK